IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23769 of 2001

Between:

1. K.Shyamala, 33 years,
2. K.Vedavathi

Both are the daughters of M.K.Manik Rao,

Unemployed.

C/o. Prahlad Rao, AP,

H.No.1-6-12, Opp: Sri Ram Nursing Home,

New Town, Mahaboobnagar-509 001.

..... PETITIONERS

AND

1. The Deputy Secretary to Government

of India, Ministry of Home Affairs, (FF Divn.)

First floor, Lok Nayak Bhavan, New Delhi.

2. The Secretary to Government of A.P., Revenue (FF.II)

Department, Secretariat, Hyderabad-500 022.

3. The District Collector, Mahaboob Nagar Dt.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, particularly one in the nature of Writ of Mandamus declaring the inaction of the 1st respondent in sanctioning Freedom Fighters (family) Pension till today to the petitioners as legal heirs and unmarried daughters of late Sri M.K.Manik Rao, freedom fighter, as per the letter No.19466/FF.II/A2/98, dated 3-6-

1998 of the 2nd respondent to the 1st respondent, as illegal, arbitrary and unwarranted, and consequently direct the first respondent to immediately sanction the same under the Swatantra Sainik Samman Scheme, 1980 and also direct the respondents to pay the arrears of the said pension to the petitioners from the date of death of their father Sri M.K.Manik Rao, freedom fighter, i.e., 1-4-1990 till today and continue to pay the said pension to the petitioners.

Counsel for the Petitioners: MR. K. SATYANARAYANA

Counsel for the Respondent No.1 : The Standing Counsel for Central Government.

Counsel for the respondents 2 & 3 : G.P. for Revenue

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.23769 OF 2001

ORAL ORDER:

The petitioners claim to be the legal heirs of a freedom fighter by name Sri M.K.Manik Rao. It is stated that during the lifetime of their father M.K.Manik Rao, he was drawing Freedom Fighters Pension under the Swatantra Sainik Samman Pension Scheme. After his demise on 01-04-1990, the petitioners herein who are unmarried daughters and unemployed made an application requesting sanction of Freedom Fighters (Family) Pension. The case of the petitioners is that as per Memo No.47176/FF.II/A2/94, dated 10-03-1998 issued by the A.P. Revenue (FF.II) Department, being the legal heirs of the deceased freedom fighter who was receiving pension during his lifetime they are entitled to receive the family pension. The application of the petitioners was forwarded by the third respondent – District Collector, Mahaboobnagar to the first respondent herein vide letter dated 03-06-1998. However, the first respondent failed to consider the request of the petitioners for Freedom Fighters (Family) Pension and no orders have been passed so far. Hence, this writ petition seeking a declaration that the inaction on the part of the first respondent in not sanctioning Freedom Fighters (Family) Pension to the petitioners as arbitrary and illegal.

Having heard the learned Counsel for the petitioners and the learned Standing Counsel appearing for the respondents 1 and 2 and on a perusal of the material on record, without expressing any opinion with regard to the entitlement of the petitioners for Freedom Fighters (family) Pension as sought for, the Writ Petition is disposed of with a direction to the first respondent to consider the request of the petitioners for Freedom Fighters (family) Pension and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order. No costs.

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25th November, 2004.

Gbs

To

1.The Deputy Secretary to Government

of India, Ministry of Home Affairs, (FF Divn.)

First floor, Lok Nayak Bhavan, New Delhi.

2.The Secretary, Government of A.P., Revenue (FF.II)

Department, Secretariat, Hyderabad-500 022.

3. The District Collector, Mahaboob Nagar Dt.

4.2CD copies

5. Two CCs to the G.P.for Revenue, High Court of AP Bldgs, Hyderabad (OUT).